Legn **File No.** 21–06

Serial Nos. 1–4.

1906

GENERAL AND REVENUE SECRETARIAT.

(Legislation)

59
47

Part A: Manuscript
for May 1907

Serial Nos. 1–4

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From the Revenue Commissioner in Mysore
No 5773 dt 4/12/1906
forwards in original letter No 119 of 11-11-1906
from the Registrar of Cooperative Societies in
Mysore proposing certain additional Rules
under section 27 of the Mysore Cooperative
Societies Regulation and requesting
sanction to the above proposal as the
additional rules are intended to facilitate
the early disposal of disputes between
members & it may be possible to bring a

G.R.S. 57

the realization of money due from defaulting members under these provisions, so as to avoid the societies going to law Courts for the recovery of sums due to them.

2 To the Commissioner Mysore Forwarded
No. F 27/53 & 8/3/07

Directs the publication of the draft additional rules & states that the draft will be taken up for consideration on, or after the 1st day of April 1907

3 To the Commissioner Mysore Forwd. No 3507 & 18/3/07

Orders the publication of the additional rules

4 To the Revenue Commissioner in Mysore No 3508 & 18/3/07

States that the deviations proposed to be made in the rules proposed, from the rules adopted in the United Provinces on which they are based is not at all desirable or necessary, since that the United Provinces Rules may be adopted in their entirety with the addition in rule 5 thereof of the words "or such further time as may be allowed by the Registrar".

G. R. S. 11] 190 0 /

GENERAL AND REVENUE SECRETARIAT.

(Legislative Branch)

NOTES.

May ✓ File No. 4 of 06

FILE HEADING.

Additional rules under Section 27 of the Mysore Co-operative Societies Regulation

From The Revenue Commissioner in Mysore

No. 5773 Dated 4-12-06 Received 5-12-06

Diary No. 2224	Enclos. 3	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards an original letter No. 119 of 11-11-06 from the Registrar of Co-operative Societies in Mysore proposing certain additional rules under Section 27 of the Mysore Co-operative Societies Regulation and recommends sanction to the above proposal as the additional rules are intended to facilitate the early disposal of disputes between members & it may be possible to bring the realization of money due from defaulting members under these provisions, so as to avoid the Societies going to Law courts for the recovery of the sums due to them.

NOTES AND ORDERS.

It is stated that similar rules exist in the Punjab and the United Provinces and a copy of the rules is submitted

Submitted with the A. collections of the Legislative files 1 of 1904 and 4 of 05 with a copy of the Regulation No. III of 00

BK 8/12/06

This is a matter for consideration in Br iii & which the file of the matter be transferred

Notes—First sheet.

MGOPB—30,000—1-12-05

11-12-1.

Serial No.

Mis J 140
13.12.06

Subject. The rules are based on those sanctioned in the United Provinces, except that the latter provide for 3 arbitrators, one to be selected by each party to the dispute, whereas it is proposed to appoint the Amildar as the arbitrator in all cases. The prohibition as to the appearance of legal practitioners in the settlement of disputes does not find a place in the rules proposed. The proposal to enforce the decision or award of the Registrar or arbitrator as an arrear of land revenue has the support of the distinguished jurists ~~that has been referred to by the Govt pleader~~ consulted for orders. The draft rules have to be published in the Gazette before they are finally adopted (vide sub section 3 of section 27 of Regn III of 1905)

13/12/06 13/12/06

2. The proposed Rules come within the scope of sec 27 (c) of Regn No III of 1905. There are a few points which have to be considered before the proposed Rules are approved.

3. References to arbitration could only be

GPB—50,000—23-10-05

Serial No.

made by the Registrar with the consent or agreement of the parties and not of his own accord. When such reference is applied for by the parties it may be provided in Rule II that the procedure prescribed by the Code of Civil Procedure as to "References to ~~Courts~~ Arbitration" may be followed by the Registrar as far as possible.

4. Rule IV admits of a decree or award passed by Registrar or arbitrators being enforced under the rules of the Bd. Comment as a decree for the arrears of Land Revenue. Sec. 26 of the Co-operative Societies Act contemplates the recovery summarily, as arrears of Land Revenue, only debts due to Govt. I am doubtful whether the principle underlying the proviso of Sec 26 could be extended to debts other than those due to Govt. If it could be, then it seems desirable that, as in suits under Secs 88, 92 and 93 of the Land Rev. Code the procedure to be followed by the Registrar in settling the disputes should be that prescribed by Chapters V, VII, XXXVII and XLVII of the

Note.—Contn. sheet

GPB—50,000—23-10-05

Serial No.

Civil Procedure Code and an appeal allowed to the Chief Court. Taking into consideration the fact that the liability of the members of a Co-operative Society is sometimes unlimited (Sec 7) that a past-member and the estate of a deceased member are also liable (Secs. 17 & 18) and that in the adjudication of disputes and in execution of decrees, important questions of law or mixed questions of law & fact may arise, it is essential, in the interests of all concerned that an appeal should lie to the Chief Court, or, at least, a reference should be made to the Chief Court as under Sec 226 of the Land Rev. Code

All this is beyond the Registrar

If the Dy. Comm. is appointed to execute the Registrar's decrees, such applications will invariably be sent to the Assistant for execution & is unexpected that the Assistant should be both an arbitrator and executor in respect of his own award

Yes
E.

15/12/16

MGCPB—50,000—24-7-05

Serial No.

6 The object now is to provide a simple and summary procedure for the settlement of disputes inching a Co-operative Society & its members. To bring in all the elaborate formalities and procedure of the Civil law is to frustrate that object entirely.

7 The draft Rules are chiefly based on the rules already in force in the United Provinces which are well calculated to secure the end in view. I am not sure, however, that the departures proposed from the United Provinces Rules in the draft is, in all cases, well considered. In one thing, it seems to me quite unnecessary that the Registrar should always be bound to be a Arbitrator, & that the Assistant of the Deputy should not be much more satisfactory. When parties concerned if each could appoint one of the Arbitrators the Deputy appointing the third (whether Assistant or any one else need not be specified).

8 In regard to appeals, also, I prefer the United Provinces Rules. When the decision of the Registrar ~~can be appealed to~~ in the United

Note—Contn. sheet

GPB—50,000—23 10-05

Serial No.

and even those of the arbitrators in matters of importance, an final. Why should we provide for a further appeal or application for revision, to the Revenue Commissioner who has, moreover no locus standi under the Regulations. Whose only connection is on the administrative side under executive orders of Govt. I do not also that the Secretary rule excluding legal practitioners from representing the parties has been omitted, which seems a suitable one. On the whole, I would adopt the Madras Revenue Rules, with the addition in Rule 5 after words "or such other time as may be allowed by the Secretary"

12. The draft rules have to be published before final promulgation

I do not think so. [illegible] 25/1

1785
31-12-11
Nibmalkalli

13. The proposed draft rules (vide 26/12/11 the main points suggested by the Secy which appear to be well considered) may be published in the Gazette of Public criticism invited in the usual way

[illegible] 30/12/11

-370/-2-07
9-2-07

14 I shall [illegible] 3/1.
surprised at the Secretary proposing amendments such

GPB—50,000—23-10-05

Serial No.

and even [illegible] the arbitrator is the Empire, an final ^ Why should we provide for a further appeal, or a plea for review, to the Revenue Court, who has, moreover no "locus standi" under the Regulation, & whose only connection is on the administrative side under executive orders of Govt?

10 I note also that the salutary rule excluding legal practitioners from representing the parties has been omitted, which seems a mistake

11 On the whole, I should adopt the Punjab Revenue Rules, with the addition in Rule 5 of the words "or such other time as may be allowed by the Revenue"

12 The draft Rules have to be published before final promulgation

to devote thro' 1917 [illegible] 25/12/16

13 The proposed draft Rules (with the modifications suggested by the Secy which appear to be well considered) may be authorised to be published in the usual way

[illegible] 26/12/16

[illegible] 3701 9.12.07 [illegible]

14 Jacob-Jan 9/12/16
surprised at the Revenue proposing amendments such

Note—Contn. sheet

GDB—50,000—23.10-05

Serial No.

will have the effect of [illegible] the Society & taking away [illegible] Cooperative & popular character

24/2/07

3/2/07

To Put up —

1) Draft notification ~~as settled~~ modifications suggested by me.

2) Draft order commencing on the draft rules sent up & explaining the changes made

[signature]
28/2/07

Legn 28/2

16. 23/2/07

16. Submitted with 2 drafts for approval. Under sub section 3 of section 23 of the Regulation, the rules have to be published for general information before they are formally adopted. The draft notification is accordingly revised & submitted for approval; ~~Sanction~~ instructions are also solicited as to whether the order should issue now before the rules are formally adopted.

SN 4/3/07

Legn 5/3/07

As publishing the draft notification

SN 4/3/07

Note—Contn. sheet

GPB—50,000—23 10-05

Serial No.

18. On further consideration, I think the draft rules may be issued when the rules of all passed

WS 1/6/07

WS 7/8/07

2 & the Compiler, Upper Gazetteer, 8/8/07

Kindly check the publication of the draft - Animal rules and state that the draft will be taken up for consideration on or after the 15th day of April 1907.

15. No comments or suggestions have been received hitherto for orders with the draft rules as finally put up and a draft notification

9/4/07 11/4/07

20. The draft rules may now be formally adopted. Revd draft put up

K. MacLean 5/4(d)

Seal

Make clean copy & circulate to Council

WS 11/4

21 The draft proposed may

Note—Contd. sheet

Serial No.

may be approved in order to discourage the appointment of the Amildar as an Arbitrator except in very extreme cases some qualifying clause such as "if unavoidable" seems advisable

(2) I take it that enforcement of the decision as if it were a decree for arrears of Land Revenue would be under Sections 60 and 61 of the Land Revenue Code -

17/4/07

T Anandarao

1/5/07

1326/26.4.07.

V3 The draft rules are those taken from the United Provinces and may I think be adopted The Official Element should not be much in evidence in arbitrations The Amildar is the Head of the Taluk and his position is such

GPB—50,000—23-10-05

Serial No.

as to override the other 2 arbitrators who I take it will be simple villagers I would omit the Amildar altogether and stipulate that the Registrar's nominee should if possible be a non-official or a village officer (Patel or Shanbog) If it is necessary to appoint an official as an arbitrator he should be one who comes in contact with villagers a Shekdar Jamabandi Inspector &c but not an Amildar who will naturally become the sole arbitrator no matter how many villagers are associated with him.

4. The enforcement of the decree as a decree for arrears of land revenue is no doubt a mighty power, but a resort to summary procedure is necessary for the success

G.R.S. 12]

General and Revenue Secretariat.

File No. 21 of 1906-07

Serial No.

of Co operative societies

Mr Mitchell

2 d/ annexures

23/2/07

Revision

Leg 21 9 06/07

Submitted to His Highness.

25. I submit for approval certain additional rules proposed by the Registrar of the Co-operative Societies in Mysore, to facilitate the settlement of disputes connected with the business of these societies. These rules have been published in the Gazette dated 14th March 1907, and no criticisms or suggestions have been received.

26 The rules empower the Registrar to refer disputes for arbitration to 3 arbitrators, of whom one shall be nominated by each of the parties in dispute, and the third by the Registrar.

27 The Councillors approve of the rules and they may be approved.

V. P. Madhava Rao
6/5/1907

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

7.5.07
850

Additional Rules under section 27 of the Mysore Co-Operative Societies' Regulation.

Order.

Approved
K R W
11/5/07

8/4
805-
15/5/07

25/ Dewans adn
Please issue
Bo.
C S Balasundaram
13/5/07

G.R.S. 12]
General and Revenue Secretariat.

Legi File No. 21 of 1906-07

Serial No.	
3	& the Gauhati-Lhyrue Cachar Act 1 of 1887 & 1 of 1907 ~~directing~~ Orders the publication of ~~the~~ additional rules ~~framed~~
4	for Laws No 1 of 1887 & 1 of 1907 & the Recommd in above
	States that the departure proposed to be made in the rules prescribed from the rules adopted in the United Provinces ~~which~~ are ~~not~~ considered ~~as~~ and ~~all~~ desirable & necessary & that the United Provinces Rules may ~~therefore~~ be adopted in their entirety with the addition in ~~the~~ rule 5 thereof of the words a such further time as may be allowed by the Magistrate

NOTE—Contn. sheet

No.

OFFICE OF THE REV. COMR. IN MYSORE,

Bangalore.....4th December.....*190*6

FROM

A. RANGASWAMI IYENGAR ESQ., B. A., B L.
Revenue Commissioner in Mysore.

To

K.S. Chandrasekhara Aiyar Esq. B.A. B

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General & Revenue Departments.

Sir,

I have the honor to submit herewith in original letter No. 119 dated 11th November 1906 from the Registrar of Co-operative Societies in Mysore, proposing certain additional rules under section 27 of the Mysore Co-operative Societies Regulation.

2. These additional rules are intended to facilitate the early disposal of disputes between members and it may be possible to bring the realization of money due from defaulting members under these provisions, so as to avoid the societies going to law courts for the recovery of sums due to them. Similar rules exist in the Punjab and the United Provinces and a copy of these rules are also herewith submitted for reference and obliging return.

3. I therefore recommend the proposals of the Registrar for the sanction of Government.

I have the honor to be,

Sir,

Your most obedient servant,

K Subba Rao

For Revenue Commissioner.

A.N.

PKD

Rev. Commr. Form 12.

190

From

A. RANGASWAMI IYENGAR Esq. B. A., B. L.
Revenue Commissioner
in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General & Revenue Departments.

Dated 4th

Despatched 4 December 1906

Received

No. 5773

Enclosure No. 3

Recommending for sanction the proposals of the Registrar of Co-operative Societies in Mysore re certain additional rules under section 27 of the Mysore Co-operative Societies Regulation.

Letter No 119 dated the 10th November 1906

from M. Rama Rao Esqr MA Registrar of Cooperative Societies in Mysore to H Ranga-swamy Iyengar Esq BA BL Revenue Commissioner in Mysore

(11)

I have the honor to bring to your notice that a few rules have now become necessary in addition to those contained in Notification No 9982-Legis 4-3 dated 27th September 1905 These rules have been framed under Sec 27 of the Mysore Cooperative Societies Regulation II of 1905; and relate clauses (a) to (n) of Sec 27 (2) of the Regulation No rules have been framed under clauses (o) & (q) and the absence of a few simple rules relating to these last two classes is already being felt In clause (o) it is stated that any dispute touching the business of a Cooperative Society between existing or past members or persons claiming through them and the Society or any of its officers may by a rule of first based under the authority of the section in question

disc referred to the Registrar of Cooperative Societies for decision who may refer it to arbitration An authorization to this effect has become a great need, and I accordingly take the liberty of submitting the following rules for being sent up to Govt with your support for approval and issue

(2)

Rules

(I) Any dispute in respect of the business of a Society between any person, who - (a) is, or has been a member of a Society, or (b) claims through any one who is or has been a member, and such Society or its Committee or any of its officers shall be referred to the Registrar for decision

II The Registrar on receiving notice of such a dispute as is referred to in ~~draft~~ rule I shall either decide the dispute himself or shall refer to an arbitrator who shall generally be the Hon'ble

of the Taluk in which such Society is situate

III In proceedings under Rule II, before the Registrar or Arbitrator, the statements of the parties who attend and of such witnesses as may appear shall be reduced to writing, and upon the evidence so recorded and after consultation of any documentary evidence produced by either side, the Registrar or Arbitrator shall give his decision or award as the case may be

IV Where the decision or award involves payment of money or delivery of grain, property or such payment or delivery is not made within one week or such other time as may be allowed by the Registrar, the Registrar shall send the record of the proceedings to the Dt Commissioner for

enforcement of the decision or award and the Dy Commr shall thereupon enforce the decision as if it were a decree for the arrears of land revenue

(4)

V (1) Any order made by the Registrar under these rules may be revised by the Revenue Commissioner

(2) Any party aggrieved by an award of an arbitrator may appeal within one month of the date of the award to the Registrar or to such other officer as the Revenue Commissioner may from time to time nominate

---

2) The Government of the United Provinces have already issued rules similar to those now submitted by me and the Punjab Govt. also lately did the same In the

Case of Punjab, however, I have to state that the Govt of India have withheld their sanction and have expressed their willingness to reconsider their decision later on, should arbitration fail in securing the objects for which the rules were intended. At the simla Conference lately held, the question was discussed and the opinions among the Registrars were divided in as much as the local conditions of the several provinces were not uniform and rendered the application of one and the same rule everywhere unnecessary and inconvenient. I also understood that in certain matters the Govt of India had to make a previous reference to the Secretary of State before taking action

(5)

3) In any case, there was a clear pronouncement on the matter from many of those whom the Government of India ~~have~~ consulted before

the Cooperative Societies Act became
Law. Sir Frederick Nicholson's opinion
was "that the Law should express
give power to the Registrar to decide
disputes between Societies and their
members when the rules of such
Societies so permit or when parties
agree for reference. It is necessary
put it into the text of the law in
order that the Registrar's decision
may be declared final, and
subsequent recourse to the Civil
Courts barred. It is of the highest
importance to keep these Societies
free from litigation and if we
provide an absolutely impartial
experienced arbitrator such as
the Registrar we shall do much
towards the end. This provision is
made in the English Building
Societies and Industrial and
Provident Societies Act." At
a Conference held at Fort House
at Madras on Monday the 21st

21st December 1903 at which 22
members were present including
the Governor and the members of
Council both Sir S Subrahmanya
Aiyar and Sir V Bashyam Iyengar.
deemed it necessary that special
facilities should be given to Coopera-
tive Societies for the collection of
their debts, and Sir V. Bhashyam
Iyengar proposed the following
resolution:—

"That (7) local Govt. may empower
any Rural Society to realise any
debt due to it under the provisions
of any special or local law for
the time being in force in the province
relating to the recovery of rent by
a ~~landlord~~ landlord from his tenant as if
the debt was arrear of rent due in
respect of the lands property of
the defaulting member situate
within the territorial limits of the
Society: provided that the debt
shall form no charge on such
property."

It was the opinion of Dewan Bahadur
Mr Srinivasaraghava Iyengar also
that loans should be made recoverable
by a Summary procedure in the
same way as the rents of Zemindars
under the Madras Rent Recovery
Act and those of the Inamdars
under the Bombay Land Revenue
Code. The Bombay Government
and various others also expressed
the opinion at the time that
Recovery of loans by Summary
process was essential to the
Success of Co-operative Societies.
4 In deference to the decided
opinions thus expressed in
this subject the Government

*27 (2) x x x x

(O) Provide that any dis-
pute touching the business
of a Society between
members or past members
of the Society, or persons
claiming through a
member or past member,
or between a member or
past member or persons
so claiming and the Com-
mittee or any officer, shall
be referred to the Registrar
for decision, or, if he so
directs, to arbitration,
and prescribe the mode
of appointing an arbitrator
or arbitrators and the
procedure to be followed
in proceedings before
the Registrar or such
arbitrator or arbitrators,
and the enforcement of the
decisions of the Registrar

of India in-
serted the clause
referring to
the settlement
of disputes as
now appears
in the Imperial
Regulation also
the clause as
will be seen
has only a
restricted
application,
inasmuch
as it applies
only to the
Society and
its members
and leaves
all disputes

(9)

or the awards of arbitrators,

(9) determine in what cases an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in hearing and disposing of such appeals

between a Society and persons who are not members for Settlement by resort to the ordinary Civil Courts. (10)

In Mysore, the absence of such a provision as the clause in question has been, I think, partly, the cause of the unsatisfactory working of the Agricultural Banks and the absence of Rules under this clause similar to those of the United Provinces, if continued will I believe, produce a similar result.

The Rural Co-operative Societies are humble institutions to start with, dealing with their own members and I need hardly say that the elaborate procedure of Civil Courts is unsuited for their purposes not less on the score of cost than on that of trouble and inconvenience to the office bearers who may have to prosecute Civil suits in perhaps distant Courts with no personal benefit to them I deem therefore that the Rules such as those I have now proposed are essential to the progress of Co-operative Societies, and

I earnestly hope that they will be sanctioned and issued at a very early date

5 In Conclusion, I beg to explain that as the (128) are at present, I have found a very great scarcity in the mofussil places of non-official gentlemen of sufficient intelligence and for sometime to come, I consider that in a Taluk it is generally desirable to appoint the Amuldar as an arbitrator He will have a good knowledge of the local conditions and of the local people and he can easily bring about a settlement

by his good offices. It may be anticipated that from the experience gained in the United Provinces, cases under the Rules would be rare in this Province, no notice of a dispute was received in the first year and in the second year only one was received (13)

6. Next, I think it is very desirable that the Revenue Commissioner should have the power of reversing the Registrar's orders if necessary. In the United Provinces, the Registrar's decisions are ruled as final. Such a drastic provision will leave no door open for setting right any possible injustice and the power of

provision reserved to the Revenue Commissioner will be a useful provision. In Bengal, provision has been made for appeals being preferred to the Board of Revenue (14) against the orders of the Registrar, and in practice the Revenue Commissioner takes the place of the Revenue Board. In the case of awards by Amuldars, or other arbitrators, I consider that an appeal may be allowed to the Registrar as much as, unlike as in Civil Courts, a dispute may be referred to arbitration even without the consent of the parties. I beg also to bring to notice that under Section 27 (3) the power to make rules conferred

by it is subject to the condition
of the Rules being made effe
previous publication.

Sections as the above (15)

(1)

No 169

Government of the Punjab

Department of Revenue and Agriculture

(Agriculture)

the 27th June 1906 (116)

Notification

With reference to Punjab Govern-
ment Notification No. 216, dated
the 7th December 1905, His Honour
the Lieutenant-Governor, in
accordance with the provisions
of Section 27 (1) and (2) (kk) and (mm) and (
of the Co-operative Credit Societies
Act, X of 1904, is pleased to make
the following rules which
shall come into operation with
effect from the date of this
Notification. ——

Rules

I.- Any Society may at a general meeting make bye-laws on any matter connected with its business, but shall have no power to cancel alter or add to its original bye-laws except by the vote of not less than two-thirds of the members present at the meeting and with the sanction of the Registrar

II.— In the case of rural Societies —

(1) Copies of entries in the books of a Society made for the purposes of section 22 of Act X of 1904 shall be certified by the signature of the chairman and the patwari of the village

(2) Any dispute touching the business of a Society between members or past members of the Society or persons claiming through a member or past member or between a member or past member or persons so claiming and the Committee or any officer of the Society shall be referred for decision to the Registrar or if he so directs, to arbitration

(118)

(3) If the dispute is referred to arbitration and the parties do not agree in the choice of an arbitrator or arbitrators, they or either of them may apply to the Collector

to appoint an arbitrator or arbitrators and the Collector shall have authority to make the appointment accordingly. (19)

(4) In proceedings under these Rules which relate to any dispute the statements of the parties and their witnesses shall be recorded, and the Registrar or arbitrator or arbitrators as the case may be, shall decide the case after hearing the evidence and considering any documentary evidence produced, and shall record the decision, which shall be final

E. D. Maclagan
Offg. Chief Secretary to the
Government Punjab

(2)

GOVERNMENT, UNITED PROVINCES.

MISCELLANEOUS

---

(20)

Revenue Department.

the 18th October 1905.

No.2048-1/9861 D.- In continuation of notification No.2117-1/986 D, dated the 13th July 1905, it is hereby notified that the local Government, in exercise of the powers conferred by section 27 of the Co-operative Credit Societies Act, 1904 (X of 1904), has made the following rules under the said Act:-

Rules under the Co-operative Credit Societies Act,1904 (X of 1904),Section 27. Sub Section (2),clause (d).

1. Every member of a society shall, at the time of his becoming a member of such society, nominate the persons who, in the event of his death, will succeed to his share and interest in the society, and the name of such nominee shall be entered in a column of the register of members of the society.

2. The value of the share and the interest of a deceased member shall be determined by the Committee, who shall, for this purpose determine the respective amounts due from and to such member on the date of his death, and deduct the latter from the former.

Sub section (2) clause (k).

1. Every society shall, subject to the provisions of the Act

and of the rules made thereunder, make bye-laws in respect of the following matters;namely:-

(a) the qualifications requisite for membership;

(b) the liabilities of members, and their election, withdrawal removal and expulsion;

(c) the appointment, powers, duties, and liabilities of the committee and the removal of members of the committee;

(d) the appointment and duties of the officers of the society;

(e) the calling of and procedure at meetings of the society, and the duties and powers of the general meeting;

(f) the purposes for which loans may be issued;

(g) the application of gross earnings and profits;

(h) the formation, maintenance, employment and investment of a reserve fund;

(i) the distribution of duties among the members of the committee;

(j) the reports and statements to be submitted and accounts kept by officers and servants;

(k) the forms to be used in accounts and registers and other documents and kept at the registered office and elsewhere

2. Every society may delegate to its committee the power to make bye-laws in respect of the matters specified in clauses (i) to (j) of rule 1.

3. (1) A bye-law made under rule 1 shall not take effect

4. of bylaw made under Rule 2, shall not take effect or be altered or rescinded otherwise than (a) by the vote of a majority of the Committee; and (b) with the sanction of the Registrar

or be altered or rescinded otherwise than-

(a) by vote of a mojority of ~~the committee~~ the members assembled in special meeting; and

(b) with the sanction of the Registrar.

(2) The quorum for a special meeting of the kind referred to in Sub Rule (1) shall be not less than two thirds of the members of the Society.

Sub Section(2) clause (k)

Every society shall, on or before the 30th day of April in each year, publish--

(22)

(a) a balance sheet showing the income, expenditure and profits of the society for the year ending on the previous 31st March, and

(b) a statement of the assets and liabilities of the society as they stood on the said 31st March and a copy of each of these statements shall be despatched to the Registrar on or before the 1st day of May in each year

Sub Section (2),clause (m)

Copies of such entries in the books of a society as may be required for the purposes of section 22 shall be made by the Secretary of the society, and shall be certified correct by him, and by another officer of the society or member of the committee.

Sub Section (2) clause (p)

1. Any dispute in respect of the business of a society between any person who-

(a) is or has been a member of a society, or

(b) claims through any one who is or has been a member,

and such society or its committee or any of its officers, shall be referred to the Registrar for decision.

2. The Registrar, on receiving notice of such a dispute as is referred to in rule 1, shall either decide the dispute himself or shall refer it for arbitration to three arbitrators, of whom one shall be nominated by each of the parties to the dispute and the third by the Registrar.

(23)

3. Where any party to the dispute fails to nominate an arbitrator within fifteen days after receipt of notice from the Registrar, the Registrar shall himself make the nomination. In proceedings under rule 2 before the Registrar or arbitrators the statements of the parties who attend and of such witnesses as they may produce, shall be reduced to writing, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side a decision or award, as the case may be, shall be given in accordance with justice equity and good conscience.

5. Where the decision or award involves the payment of money or delivery of grain, and such payment or delivery is not made within one week, the Registrar shall send the record of the proceedings to the Collector for enforcement of the decision or award; and th Collector shall thereupon enforce the decision as if it were a decree for arrears of land revenue.

6. (1) Any party aggrived by an award of arbitrators may appea

appeal

appeal to the Registrar, within one month of the date of the award.

(2) Every order made by the Registrar under these rules shall be final and conclusive.

7. In proceedings under these rules neither party shall be represented by any legal practitioner.

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Leg 21 Feb 06
SIMLA

Notification SLIV

SRO 2

The following draft of rules proposed to be issued under the Mysore Compulsive Education Regulation III of 1905 is published for general information. The draft rule will be taken up on or for consideration on or after the 1st day of April 1907.—

All criticisms or suggestions received within the date mentioned will be duly considered.

By Order
Secretary

To the Controller for publication in the next issue of the Gazette of India.

No 2753 dt 8.3.06
Leg 21 Feb 06

4

In continuation of the rules published with notification No. J 582/Leg 4-3 dated the 27th September 1905 and amending the powers conferred by the Co-operative Societies Regulation IV of 1905, the Govt. of H.H. the Maharaja of Mysore are pleased to make the following additional Rules. ~~under clause (xxii) of the said Regulation~~

1) Any dispute in respect of the business of a society between any person who —

(a) is or has been a member of a society or

(b) claims through any one who is or has been a member

and such society or its committee or any of its officers shall be referred to the Registrar for decision

2) The Registrar, on receiving notice of such a dispute as is referred to in Rule 1, shall either decide the dispute himself or shall refer it

for arbitration to three arbitrators, of whom one shall be nominated by each of the parties to the dispute and the third by the Registrar

3. Where any party to the dispute fails to nominate an arbitrator within 15 days after receipt of notice from the Registrar the Registrar shall himself make the nomination

4. In proceedings made under 2 before the Registrar or arbitrators, the statements of the parties who attend and of such witnesses as they may produce shall be reduced to writing, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side, a decision or award as the case may be shall be given in accordance with the principles equity and good Conscience

5. Where the decision or award involves the payment of money or delivery of property and such payment or delivery is not made within such or such further time as may be allowed by the

Registrar the Registrar shall send the record of the proceedings to the Deputy Commissioner for the enforcement of the decision or award and the Deputy Commissioner shall thereupon enforce the decision as if it were a decree for arrears of land revenue

6. (1) Any party aggrieved by an award of arbitrators may appeal to the Registrar within one month of the date of the award.

(2) Every order made by the Registrar under these rules shall be final and conclusive.

7 In proceedings under these rules neither party shall be represented by any legal practitioner

[redacted]

I.R.
5/5/07

The Compiler, Mysore Gazetteer,
for publication with
Kannada translation
& for supply of 100 offprints
copies to the Dy & Asst Commrs
& the Revenue Inspectors
in Mysore, for information.

[redacted]

NOTIFICATION

~~*No. J.* 2753—*Legis.* 21-06-3, *dated 8th March* 1907.~~

~~The following draft of rules proposed to be issued under the Mysore Co-operative Societies Regulation, III of 1905, is published for general information. The draft will be taken up for consideration on or after the 1st day of April 1907.~~

~~All criticisms and suggestions received within this date will be duly considered.~~

~~By Order,~~
~~K. S. CHANDRASEKHARA AIYAR,~~
~~*Secy. to Govt., Gen. & Rev. Depts.*~~

~~DRAFT.~~ 1 S No 3

In continuation of the rules published with Notification No. J. 982—Legis. 4-3, dated the 27th September 1905, and in exercise of the powers conferred by the Mysore Co-operative Societies Regulation, III of 1905, the Government of His Highness the Maharaja of Mysore are pleased to make the following additional rules :—

(1) Any dispute in respect of the business of a society between any person who—

(*a*) is or has been a member of a society, or

(*b*) claims through any one who is or has been a member,

and such society or its committee or any of its officers, shall be referred to the Registrar for decision.

(2) The Registrar, on receiving notice of such a dispute as is referred to in Rule 1, shall either decide the dispute himself or shall refer it for arbitration to three arbitrators, of whom one shall be nominated by each of the parties to the dispute and the third by the Registrar.

(3) Where any party to the dispute fails to nominate an arbitrator within fifteen days after receipt of notice from the Registrar, the Registrar shall himself make the nomination.

(4) In proceedings under Rule 2 before the Registrar or arbitrators, the statements of the parties who attend and of such witnesses as they may produce shall be reduced to writing, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience.

(5) Where the decision or award involves the payment of money or delivery of grain and such payment or delivery is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send the record of the proceedings to the Deputy Commissioner for enforcement of the decision or award; and the Deputy Commissioner shall thereupon enforce the decision as if it were a decree for arrears of Land Revenue.

(6) 1. Any party aggrieved by an award of arbitrators may appeal to the Registrar, within one month of the date of the award.

2. Every order made by the Registrar under these rules shall be final and conclusive.

(7) In proceedings under these rules, neither party shall be represented by any legal practitioner.

Secretary

The Compiler Mysore Gazette ~~for publication~~ in
Kannada translation for publication in three
issues of Part II Extraordinary of the Mysore Gazette

G.R.S. 28]

(8)

File No. 21 46

Serial No. 4

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

, *the* 190

Date of issue 10-5-07

Signed by

READ.—

Letter No. 5773 dated the 4th December 1906 from the Revenue Commissioner in Mysore, recommending for the sanction of Government the proposals of the Registrar of Co-operative Societies in Mysore to make certain additional rules to facilitate the settlement of disputes, under Sec 27 of the Co-operative Societies Regulation, III of 1905.

ORDER THEREON.—No. 4.

It is reported by the

over

SUBJECT

Registrar of Co-operative Societies

That the time has come when, in addition to the rules published with Govt Notification No J.982-dev 4-3 dated the 21st September 1905, a few simple rules to facilitate the settlement of disputes relating to the business of such Societies should be made and issued under clauses (b) & (g) of Sec 27 of the Co-operative Societies Regulation III of 1905

2. The rules proposed by the Registrar are chiefly based on those already in force in the United Provinces, which appear well calculated to secure the end in view. The Government are not satisfied that the departure proposed from the United Provinces Rules is in all cases necessary or desirable. In the first place Government think it unexpedient that the Registrar

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

should appoint only one arbitrator and that the Amildar of the Taluka This will have the effect of ~~of~~ creating the Societies and taking away their Co-operative and popular Character. It would be much more satisfactory, if, as in the United Provinces rule, there are 3 arbitrators each party to a dispute appoint one of the arbitrators and the Registrar appointing the third who may be the Amildar or any other person in regard to appeals also the United Provinces rule appear to be more suitable. When the decisions of the Registrar in the United Provinces & even those of the arbitrators in the Punjab, are final, it seems unnecessary to provide for a further appeal or application for revision to the Revenue Commissioner who has, moreover, no local

under the Regulations and those only connected with Co-operative Societies so as the administrative side, under executive orders of Government Lastly it appears desirable to retain the salutary provision contained in the United Provinces Rules excluding legal practitioners from representing the parties to a dispute, which has been omitted in the proposed rules

3. On the whole the Government consider that the United Provinces rules may be adopted with their enactment with the addition in rule 5 thereof of the words "or such further time as may be allowed by the Registrar as suggested by Mr Shamdasani in his proposed rule IV the draft rules as appended are as follows

Notification No J 3507/ Legis 21—06 dt 18.5.07

In continuation of the rules published with Notification No. J. 982—Legis. 4-5, dated the 27th September 1905, and in exercise of the powers conferred by the Mysore Co-operative Societies Regulation, III of 1905, the Government of His Highness the Maharaja of Mysore are pleased to make the following additional rules :—

(1) Any dispute in respect of the business of a society between any person who—

(*a*) is or has been a member of a society, or

(*b*) claims through any one who is or has been a member, and such society or its committee or any of its officers, shall be referred to the Registrar for decision.

(2) The Registrar, on receiving notice of such a dispute as is referred to in Rule 1, shall either decide the dispute himself or shall refer it for arbitration to three arbitrators, of whom one shall be nominated by each of the parties to the dispute and the third by the Registrar.

(3) Where any party to the dispute fails to nominate an arbitrator within fifteen days after receipt of notice from the Registrar, the Registrar shall himself make the nomination.

(4) In proceedings under Rule 2 before the Registrar or arbitrators, the statements of the parties who attend and of such witnesses as they may produce shall be reduced to writing, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience.

(5) Where the decision or award involves the payment of money or delivery of grain and such payment or delivery is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send the record of the proceedings to the Deputy Commissioner for enforcement of the decision or award; and the Deputy Commissioner shall thereupon enforce the decision as if it were a decree for arrears of Land Revenue.

(6) 1. Any party aggrieved by an award of arbitrators may appeal to the Registrar, within one month of the date of the award.

2. Every order made by the Registrar under these rules shall be final and conclusive.

(7) In proceedings under these rules, neither party shall be represented by any legal practitioner

Notification No J 3507/ Legis 21—06 dt/18.5.07

In continuation of the rules published with Notification No. J. 982—Legis. 4-5, dated the 27th September 1905, and in exercise of the powers conferred by the Mysore Co-operative Societies Regulation, III of 1905, the Government of His Highness the Maharaja of Mysore are pleased to make the following additional rules :—

(1) Any dispute in respect of the business of a society between any person who—

(*a*) is or has been a member of a society, or

(*b*) claims through any one who is or has been a member, and such society or its committee or any of its officers, shall be referred to the Registrar for decision.

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(3) Where any party to the dispute fails to nominate an arbitrator within fifteen days after receipt of notice from the Registrar, the Registrar shall himself make the nomination.

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(5) Where the decision or award involves the payment of money or delivery of grain and such payment or delivery is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send the record of the proceedings to the Deputy Commissioner for enforcement of the decision or award; and the Deputy Commissioner shall thereupon enforce the decision as if it were a decree for arrears of Land Revenue.

(6) 1. Any party aggrieved by an award of arbitrators may appeal to the Registrar, within one month of the date of the award.

2. Every order made by the Registrar under these rules shall be final and conclusive.

(7) In proceedings under these rules, neither party shall be represented by any legal practitioner

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GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

4. As required by Rule 2) (3) of the Cooperative Societies Regulations these rules were published in the Mysore Gazette dated the 14th March 1907 No criticisms and suggestions having been received a notification will be issued promulgating the rules as above.

Secretary to Govt

To

The Accountant General Mysore returning the original enclosures

17/4/07

23/4/07

NB 2 copies the Rules are returned herewith

Sd/ 16/5

Sd/ 16/5

17.5.07